



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1078  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,673	11/19/2001	Tsuyoshi Hirashima	M2047-29	5847
7278	7590	03/03/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			REFAI, RAMSEY	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/992,673

Applicant(s)

HIRASHIMA ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

Responsive to Request for Continued Examination (RCE) received on December 07, 2005.

Claims 1, 2, 8-10, 15-18, 23, 24, and 30 have been amended. Claims 1-30 remain pending further examination.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1, 2, 9, 16, 17, and 24 recite the newly added limitations "model ID" and "color space name utilized by said receiving terminal" as attribute information, however, no support for these newly added limitations has been found in the Applicants' specification. Clarification is respectfully requested.

Claims 8, 15, and 23, recite the newly added limitations "comparison result indicating a preferable color converting method", "converting, according to the indicated preferable color converting method", however, no support for these newly added limitations has been found in the Applicants' specification. Clarification is respectfully requested.

Claims 3-7, 10-14, 18-22, and 25-30 depend on the above rejected claims, therefore are rejected under the same rationale.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said stored" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-8 depend on the above rejected claim, therefore these claims are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (U.S. Patent No. 6,895,113).

7. As per claim 1, Baker et al teach a stored image delivery method comprising:

storing an image and color properties on a server, each of said color properties specified by attribute information (**see column 1, lines 17-36 and 55-67, abstract**);

acquiring, from said receiving terminal connected to said server via a network, said attribute information of said receiving terminal (**see column 3, lines 1-45, column 2, lines 33-38**);

color-converting on said server said stored image in accordance with a color property among said color properties to generate a color-converted stored image, said color property being specified by said attribute information received from said receiving terminal and delivering, from said server to said receiving terminal, said generated color-converted stored image (**see abstract, column 1, lines 15-36 and 47-67**).

8. Baker et al fail to explicitly teach that the attribute information includes at least one of a manufacture name of a receiving terminal, a model ID of said receiving terminal, and a color space name utilized by said receiving terminal. However, it would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to use a manufacture name of a receiving terminal as attribute information because it is well known that terminals made by the same manufacture can have similar display characteristics and would therefore be efficient to identify a receiving terminal by its manufacture name and then color-convert images directed to those receiving devices.

9. As per claim 2, Baker et al teach a stored image delivery method, comprising:

receiving stored image selection information and receiving, from a WWW server, attribute information (**see column 3, lines 1-45, column 2, lines 33-38**);

using an output profile corresponding to said attribute information received from said WWW server (**see column 1, lines 17-28, column 2, lines 32-38**);

converting a stored image into a converted image in accordance with a color property of said receiving terminal specified by said attribute information, said color property being stored on said WWW server (**see abstract, column 1, lines 17-35**);

storing said converted image in a cache (**see column 4, lines 55-65, abstract**); and

notifying said WWW server of one of either positional information of said converted image stored in said cache or positional information of an HTML file linked with said converted image (**see column 1, lines 30-55**).

10. Baker et al fail to explicitly teach that the attribute information includes at least one of a manufacture name of a receiving terminal, a model ID of said receiving terminal, and a color space name utilized by said receiving terminal. However, it would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to use a manufacture name of a receiving terminal as attribute information because it is well known that terminals made by the same manufacture can have similar display characteristics and would therefore be efficient to identify a receiving terminal by its manufacture name and then color-convert images directed to those receiving devices.

11. As per claim 3, Baker et al teach said output profile includes at least one combined attribute selected from the group consisting of colorimetric value, gamma coefficient, single-dimensional lookup table, three-dimensional lookup table, illumination information, color

coordinate system converting equation, and output device ID (**see column 1, lines 17-36, abstract**).

12. As per claims 4 and 5, Baker et al teach an image that has already been color-converted and stored in said cache is diverted and color conversion is omitted (**see column 4, lines 55-65**).

13. As per claim 6, Baker et al teach said receiving terminal uses attribute information that has been saved in said receiving terminal during previous access to said WWW server (**see column 4, lines 55-65, column 3, lines 29-44**).

14. As per claim 7, Baker et al teach attribute information of said receiving terminal describes an actual type of said receiving terminal itself, said actual type being selected from a list in an HTML file that said receiving terminal has downloaded from said WWW server (**see column 1, lines 30-36, column 3, lines 1-13, abstract**).

15. As per claim 8, Baker et al teach said converting step further comprises:  
comparing a device color reproduction range of said an input device that has created said stored image with a terminal color reproduction range of said receiving terminal to generate a comparison result indicating a preferable color converting method; and converting, according to indicated preferable color converting method, the stored image into the converted image in accordance with the color property of said receiving terminal specified by said attribute information (**see column 3, lines 1-45, column 4, lines 55-65, column 1, lines 30-36, abstract**).

16. As per claims 9-30, these claims contain similar limitations as claims 1-8 above, therefore are rejected under the same rationale.

*Response to Arguments*


17. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

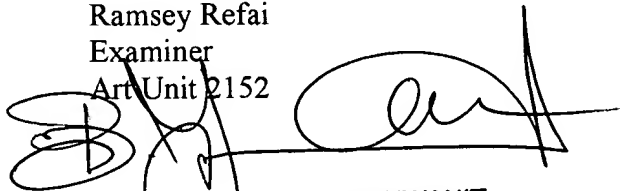
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RR   
February 22, 2006

Ramsey Refai  
Examiner  
Art Unit 2152  
  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER